

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5957 of 2015
Date of decision: September 11, 2015

Rajwant Kaur and others

..... Petitioners

Versus

The Oriental Insurance Co.Ltd.

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ashwani Arora, Advocate
for the petitioners.

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 15.7.2015 (Annexure P-4) whereby the trial court rejected the application of the petitioner for release of the awarded amount without furnishing the security and indemnity bonds.

Learned counsel for the petitioners-claimants submits that the Insurance Company has challenged the finding rendered by the award as well as decision rendered by this Court in an appeal bearing SLP No. 20289 of 2014 whereby the Hon'ble Supreme Court has issued notice and directed the Insurance Company to deposit the entire amount of compensation which shall be released to the claimants-petitioners without furnishing any security. The order reads thus:-

Petition(s) for Special Leave to Appeal (C) No(s).
20289/2014

(Arising out of impugned final judgment and order dated

21/03/2014
in FAO No. 20/2011 passed by the High Court Of Punjab &
Haryana At Chandigarh)

ORIENTAL INSURANCE CO. LTD Petitioner(s)

VERSUS

RAJWANT KAUR AND ORS Respondent(s)

(With appln. (s) for exemption from filing c/c of the
impugned judgment and interim relief) With
SLP(C)No.21596/2014
(With interim relief and office report)

Date : 12/08/2014 These petitions were called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Ms. Neerja Sachdeva,Adv.
For Respondent(s) Ms. Meera Mathur ,Adv.

UPON hearing the counsel the Court made the following ORDE R

Exemption from filing certified copy of the
impugned judgment is allowed.

Issue notice.

It is directed that the amount awarded by the
Tribunal shall be deposited by the petitioner before the
learned Tribunal. On such deposit being
made, the claimant shall be entitled to
withdraw the same without furnishing any
security.

Signature Not Verified

Digitally signed by
Madhu Bala
Date: 2014.08.16
13:01:31 IST
Reason:

Sd/-

Sd/-
(MADHU BALA)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER

ITEM NO.32

COURT NO.11

SECTION
IVB

He further submits that the order dated 20.12.2014 was challenged in this Court in CR No. 1048 of 2015 and this Court vide order dated 11.3.2015 granted liberty to file a fresh application and the subsequent application has also met with the same fate. In essence, that once there is an order of the Hon'ble Supreme Court the executing court ought to have allowed the application in terms of the order passed by the Hon'ble Supreme Court, and rather erroneously observed that second application tantamounts review of the order dated 20.12.2014 particularly, when liberty was granted by this Court to file a fresh application. Even in the previous order, executing court, had imposed condition to release the awarded amount by furnishing security, which is totally contrary to the order, *ibid*, of Hon'ble Supreme Court.

Accordingly, the impugned order dated 15.7.2015 is set aside. The civil revision is allowed.

The petitioners-claimants shall be entitled to withdraw the amount of compensation without furnishing security in terms of the order dated 12.8.2014 passed in SLP No. 20289 of 2014.

(AMIT RAWAL)
JUDGE

September 11 , 2015
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